

# **CITY COUNCIL AGENDA**

**JUNE 7, 2005**

## **SYNOPSIS**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ, VICE MAYOR  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
VACANT  
DAVID D. CORTESE  
JUDY CHIRCO  
NANCY PYLE

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.asp](http://www.sanjoseca.gov/clerk/agenda.asp)

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**  
**9:33 a.m.** - Closed Session, Room 600, City Hall  
**Absent Council Members: None.**  
  
**1:34 p.m.** - Regular Session, Council Chambers, City Hall  
**Absent Council Members: None.**  
  
**7:04 p.m.** - Public Hearings, Council Chambers, City Hall  
General Plan Hearings, Council Chambers, City Hall  
**Absent Council Members: Campos. (Excused)**
- **Invocation (District 6)**  
The Silicon Valley Gay Men's Chorus performed, in recognition of June 2005 as "Gay and Lesbian Pride Month".
- **Pledge of Allegiance**  
Mayor Gonzales led the Pledge of Allegiance
- **Orders of the Day**  
The Orders of the Day and the Amended Agenda were approved, with Item 2.12 deferred to 6/28/05.

## **1 CEREMONIAL ITEMS**

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- 1.1** Presentation of a commendation to San José Medical Coalition for its exemplary dedication and invaluable contribution to the San José community. (Mayor/Chavez) (Deferred from 5/3/05 – Item 1.9 et al. and 5/23/05 – Item 1.5)  
**Heard in the evening.**  
Mayor Gonzales and Vice Mayor Chavez presented a commendation to the San José Medical Coalition for their dedicated efforts to raise public awareness and invaluable contributions to the City of San José.

# 1 CEREMONIAL ITEMS

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- 1.2 Presentation of commendations to Teresa Pham, Presentation High School, Melba Matthew, Evergreen Valley High School, Abby Alton, Monroe Middle School, and Kavya Shankar, Joaquin Miller Middle School for their award winning essays as part of the SCCAOR Homewords Essay Contest. (Cortese/LeZotte/Yeager)  
(Rules Committee referral 5/25/05)

**Heard in the evening.**

**Mayor Gonzales, and Council Members Cortese, LeZotte and Yeager recognized Teresa Pham, Melba Matthew, Abby Alton, and Kavya Shankar for their award winning essays on the topic “Thinking About House and Home”.**

- 1.3 Presentation of a commendation to El Observador in celebration of its 25<sup>th</sup> anniversary and service to the community. (Reed)  
(Rules Committee referral 5/25/05)

**Heard in the evening.**

**Deferred.**

- 1.4 Presentation of a commendation to The Digital Clubhouse for service to the Community of San José. (Reed)  
(Rules Committee referral 5/25/05)

**Heard in the evening.**

**Mayor Gonzales and Council Member Reed recognized and commended The Digital Clubhouse for their dedication to record the history of the Santa Clara Valley, and produce service projects. The Annual Digital Clubhouse Picnic will be held June 25, 2005, 10:00 a.m. – 5:00 p.m. at History San José.**

# 2 CONSENT CALENDAR

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## 2.1 Approval of Minutes.

**Recommendation:** Approval of minutes.

- (a) Minutes of December 14, 2004  
[Deferred from 4/5/05 – Item 2.1(e)]
- (b) Minutes of January 11, 2005
- (c) Joint City Council/Redevelopment Agency minutes of January 11, 2005.
- (d) Minutes of January 25, 2005
- (e) Joint City Council/San José Financing Authority minutes of January 25, 2005.

**Approved.**

## 2 CONSENT CALENDAR

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### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 27436 – Amends Sections 3.28.200 and 3.28.340 of Chapter 3.28 of Title 3 of the San José Municipal Code to simplify the system of reserves in the Federated City Employees Retirement Fund.  
[Deferred from 5/24/05 – Item 2.2(a)]

**Deferred to 6/21/05.**

- (b) ORD. NO. 27447 – Amending Sections 2.04.2020 and 2.04.2420 of Chapter 2.04 of Title 2 of the San José Municipal Code, Section 4.06.040 of Chapter 4.06, Sections 4.12.002, 4.12.010, 4.12.060, 4.12.070, 4.12.080, 4.12.146 and 4.12.180 of Chapter 4.12, 4.13.030 of Chapter 4.13 and Sections 4.16.010, and 4.16.130 of Chapter 4.16 of Title 4 to transfer purchasing responsibilities from the Director of General Services to the Director of Finance.

**Ordinance No. 27447 adopted.**

### 2.3 Approval to amend an agreement for the development of the Airport's concession plans.

**Recommendation:** Approval of a first amendment to the agreement with the Center for Airport Management (CAM) for consultant services for the development of concession plans for the Norman Y. Mineta San José International Airport, amending the scope of services to include the development of the solicitation process for the food and beverage concession in the North Concourse and the development of the solicitation process for all retail locations at the Airport, increasing the compensation by \$165,000, for a total agreement amount not to exceed \$260,000, and extending the term of the agreement from August 31, 2005 to April 30, 2006. CEQA: Resolution Nos. 67380 and 71451, PP05-086. (Airport)

**Approved, with Staff directed to:**

- (1) **Evaluate the community outreach procedures at the end of the process.**
- (2) **Incorporate into the concessions, local nonprofits and others that sell items unique to San José.**

### 2.4 Acceptance of the Office of the City Auditor's *Report of Activities and Findings for the Period March 16 through April 15, 2005.*

**Recommendation:** Acceptance of the Office of the City Auditor's Report of Activities and Findings for the Period March 16 through April 15, 2005. (City Auditor)

**Report Accepted.**

## 2 CONSENT CALENDAR

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### 2.5 Approval to increase the Library Gift Trust Fund limit for fundraising.

**Recommendation:** Adoption of the following appropriation ordinance and funding source resolution amendments in the Gift Trust Fund:

- (a) Increase the library General Gifts appropriation to the Library Department by \$57,796.
- (b) Increase the estimate for Earned Revenue by \$57,796.

CEQA: Not a Project. (City Manager's Office)

**Ordinance No. 27449 adopted.**

**Resolution No. 72691 adopted.**

### 2.6 Approval of fiscal actions for Redevelopment Agency Capital Projects.

**Recommendation:**

- (a) Adoption of the following 2004-2005 appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):
  - (1) Establish the appropriation to the Department of Public Works for the Delmas Park Sidewalk Improvement Project (PSM 354) in the amount of \$60,000.
  - (2) Establish an appropriation to the Department of Public Works for the Auzerais Streetscape Project (PSM 406) in the amount of \$52,000.
  - (3) Establish an appropriation to the Department of Public Works for the Scott Street Streetscape Project (PSM 407) in the amount of \$75,000.
  - (4) Increase the estimate for Earned Revenue by \$187,000.

**Ordinance No. 27450 adopted.**

**Resolution No. 72692 adopted.**

- (b) Adoption of resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with:

- (1) The Delmas Park Sidewalk Project, as more specifically described in the memorandum from the Redevelopment Agency, dated March 24, 2005;  
**Resolution No. 72693 adopted.**

- (2) The Auzerais Streetscape Project, as more specifically described in the memorandum from the Redevelopment Agency, dated March 24, 2005;  
**Resolution No. 72694 adopted.**

- (3) The Scott Street Streetscape Project, as more specifically described in the memorandum from the Redevelopment Agency, dated March 24, 2005, attached hereto.

CEQA: Not a Project. Council Districts 3 and 6. SNI: Delmas Park and Burbank/Del Monte. (City Manager's Office)

**Resolution No. 72695 adopted.**

## 2 CONSENT CALENDAR

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### 2.7 Approval of various actions related to Business Improvement Districts.

#### **Recommendation:**

- (a) Preliminary approval of the report as filed by the Japantown Business Improvement District Advisory Board or as modified by Council, and adoption of a resolution of intention to levy the annual assessment for 2005-2006, and set June 28, 2005 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, PP03-05-165. Council District 3. SNI: 13th Street. (Economic Development)

**Report approved.**

**Resolution No. 72696 adopted.**

- (b) Preliminary approval of the report as filed by the Downtown Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for 2005-2006, expand the district boundaries and set June 28, 2005 at 1:30 p.m. as the date and time for the public hearing on the foregoing matters. CEQA: Exempt, PP03-05-165. Council District 3. SNI: St. James Square/University/Josefa/Auzerais/Burbank/ Del Monte. (Economic Development)

**Report approved.**

**Resolution No. 72697 adopted.**

### 2.8 Approval to award a contract for the North First Street Parallel Main.

#### **Recommendation:**

- (a) Report on bids and award of contract for the North First Street Parallel Main Phase II to the low bidder Preston Pipelines, in the amount of \$893,500 and approval of a contingency in the amount of \$90,000.

**Approved.**

- (b) Adoption of the following appropriation ordinance amendments in the Major Facilities Fund:

- (1) Increase the appropriation to the Environmental Services Department for the North First Street Parallel Main project by \$240,000.
- (2) Decrease the Ending Fund Balance by \$240,000.

CEQA: Exempt, PP03-08-265. Council District 4. (Environmental Services/City Manager's Office)

**Ordinance No. 27451 adopted.**

## 2 CONSENT CALENDAR

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### 2.9 Approval of open purchase orders for the purchase of supplies, materials, equipment and services.

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2004-2005 #17 and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for CEQA designation(s). (Finance)

**Approved.**

### 2.10 Approval of an agreement for the Lake Cunningham Regional Park.

**Recommendation:** Approval of a consultant agreement for skate park project management and design services with Beals Alliance, Inc. for the Lake Cunningham Regional Park for a term beginning July 1, 2005 through March 31, 2008, in an amount not to exceed \$500,000. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services/Public Works)

**Approved.**

### 2.11 Approval of actions related to the annexation of Sunol No. 69.

**Recommendation:** Adoption of a resolution initiating proceedings and setting June 21, 2005 at 1:30 p.m. for Council consideration on the reorganization of territory designated as Sunol No. 69 which involves the annexation to the City of San José of 0.25 acres of land more or less, located at the on the east side of Page Street, approximately 540 feet southerly of Douglas Street and adjacent to the City of San José annexation Sunol No. 58 and the detachment of the same from Sunol Sanitary, County Lighting County Services, Central Fire Protection and Area No.01 (Library Services) County Services. CEQA: Resolution No. 65459, File No. C04-113. (Planning, Building and Code Enforcement)

**Resolution No. 72698 adopted.**

### 2.12 Approval to amend the agreements for plan check consultants.

**Recommendation:** Adoption of a resolution authorizing the City Manager to execute a third amendment to the agreements with the following plan check consultants: 1) The Phillips Group; 2) Kutzmann & Associates; 3) Linhart, Petersen, Powers Associates; 4) R.K. Associates; 5) Esgil Corporation as follows:

- (a) Extend the terms of the agreements by three months from July 1, 2005 to September 30, 2005;
- (b) Amend the rate of compensation for single-family homes equal to 80% of the plan check fee;

*Item continued on the next page*



## 2 CONSENT CALENDAR

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### 2.12 Approval to amend the agreements for plan check consultants (Cont'd.)

(c) Increase the maximum compensation by \$50,000 for 3 agreements to the following amounts:

- (1) Linhart, Petersen, Powers Associates by \$25,000 from \$116,00 to \$141,000.
- (2) Kutzmann & Associates by \$20,000 from \$109,00 to \$129,000.
- (3) Esgil Corporation by \$5,000 from \$100,000 to \$105,000.

CEQA: Not a Project. (Planning, Building and Code Enforcement)

**Deferred to 6/28/05, per Orders of the Day.**

### 2.13 Approval to award a contract for the San Tomas Aquino Creek Trunk Rehabilitation Project.

**Recommendation:** Report on bids and award of contract for the San Tomas Aquino Creek Trunk Rehabilitation Phase III Project to the low bidder, Insituform Technology, Inc., in the amount of \$488,528, and approval of a contingency in the amount of \$49,000.

CEQA: Exempt, File No. PP04-05-159. Council District 1. (Public Works)

**Approved.**

### 2.14 Approval to purchase two properties for the proposed Roosevelt Park Expansion Project.

**Recommendation:** Approval of the Purchase and Sale Agreements and adoption of a resolution authorizing the Director of Public Works to accept the deeds and execute all documents related to the purchase of two properties owned by Peter and Nina Draper, located at 16 and 22 North 20<sup>th</sup> Street, for a purchase amount of \$500,000 for each property and settle any relocation claims stemming from the City's purchase of these properties in the area of the proposed Roosevelt Park Expansion Project. CEQA: Negative Declaration, File No. PP03-12-397. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Public Works)

**Agreement approved.**

**Resolution No. 72699 adopted.**

### 2.15 Approval to award a contract for the Greater Gardner Street Reconstruction - Minor Avenue Project.

**Recommendation:**

- (a) Report on bids and award of contract for the Greater Gardner Street Reconstruction - Minor Avenue Project from West Virginia Street to Route 280 to the lowest responsive bidder, Wattis Construction Co. Inc., in the amount of \$566,969, and approval of a \$57,000 contingency.

**Approved.**

*Item continued on the next page*

## 2 CONSENT CALENDAR

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### 2.15 Approval to award a contract for the Greater Gardner Street Reconstruction - Minor Avenue Project (Cont'd.)

(b) Adoption of the following 2004-2005 appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):

(1) Increase the appropriation to the Department of Public Works for the Greater Gardner Street Improvements Project by \$661,000.

(2) Increase the estimate for Earned Revenue by \$661,000.

CEQA: Exempt, PP 04-03-101. Council District 3. SNI: Greater Gardner. (Public Works/City Manager's Office)

**Ordinance No. 27452 adopted.**

**Resolution No. 72700 adopted.**

### 2.16 Approval of an agreement to acquire a public services/public utilities easement.

**Recommendation:** Approval of an agreement with San José Unified School District for the acquisition of a public services/public utilities easement on a portion of the Simonds Elementary school site, at 6515 Grapevine Way, adjacent to the new joint Almaden Community Center and Branch Library, at 6445 Camden Avenue, with the City to pay \$3,500 to reimburse District's transaction costs, and adoption of a resolution authorizing the Director of Public Works to execute any additional documents necessary to complete the transaction. CEQA: Exempt, File No. PP03-11-367. Council District 10. (Public Works)

**Agreement approved.**

**Resolution No. 72701 adopted.**

### 2.17 Approval of a cooperative agreement for the BART Extension Project.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a Cooperative Agreement with the Santa Clara Valley Transportation Authority (VTA) for the BART Extension Project to enable VTA to provide funding in an amount not to exceed \$190,000 annually for City project delivery support services through June 30, 2007. CEQA: Resolution to be adopted based upon the Santa Clara Valley Transportation Authority (VTA) Final Environmental Impact Report for the Silicon Valley Rapid Transit Project approved by the VTA Board of Directions on December 9, 2004, Agenda Item 10. Council Districts 3, 4 and 6. (Transportation)

**Resolution No. 72702 adopted.**

**CEQA Resolution No. 72703 adopted.**

## 2 CONSENT CALENDAR

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### 2.18 Approval to submit a grant application for various pedestrian and bicycle projects.

**Recommendation:** Adoption of a resolution authorizing the City Manager to submit the grant application for various pedestrian and bicycle projects for 2005-2006 Transportation Development Act, Article 3 grant funding in an amount up to \$675,397, and authorizing the City Manager to accept the grant if awarded and negotiate and execute the required grant documents. CEQA: Exempt, File No. PP05-067. (Transportation)

**Resolution No. 72704 adopted.**

### 2.19 Approval of nominations to the San José Silicon Valley Workforce Investment Network Board of Directors and the SVWIN Youth Council Committee.

**Recommendation:** Approval of nominations to the San José Silicon Valley Workforce Investment Network Board of Directors and the SVWIN Youth Council Committee. (Mayor)  
(Rules Committee referral 6/1/05)

**Approved.**

### 2.20 Approval of Mayor Gonzales' travel request.

**Recommendation:** Approval of Mayor Gonzales' travel to Chicago, Illinois, to attend the Annual Meeting of the United States Conference of Mayors from June 9 through June 13, 2005. (Mayor)  
(Rules Committee referral 6/1/05)

**Approved.**

## 3 STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Study Session Mayor Gonzales, Chair

### 3.2 Report of the Rules Committee – May 25, 2005 Vice Mayor Chavez, Chair

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting

(b) City Council

(1) Review June 7, 2005 Council Agenda

**The Committee recommended approval of the June 7, 2005 City Council Agenda.**

(2) Add New Items to May 31, 2005 Agenda

**The Council Meeting of May 31, 2005 was canceled**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – May 25, 2005 (Cont'd.)

**Vice Mayor Chavez, Chair**

(b) City Council (Cont'd.)

(3) List of Reports Outstanding

**There were no items.**

(c) Legislative Update

(1) State

(a) Governor's May Revision of the 2005-06 State Budget

**The Committee accepted the report.**

(2) Federal

**There was no report.**

(d) Meeting Schedules

(1) Approval of the City Council Meeting Schedule for the period of August to December 2005

**The Committee recommended approval of the City Council Meeting Schedule for the period August to December 2005.**

(2) Request to Schedule City Council Study Session on Evergreen Visioning Project

**The Committee recommended scheduling a City Council Study Session on Evergreen Visioning Project on June 8, 2005, from 2:00 p.m. to 5:00 p.m. in the City Council Chamber; and recommended scheduling a Rules-in-Lieu Meeting for Wednesday, June 8, 2005 at 11:30 a.m. in the Office of the City Clerk Lee Price.**

(3) Request to Schedule City Council Study Session on Getting Families Back to Work

**The Committee recommended scheduling a City Council on Getting Families Back to Work III on October 5 and 6, 2005, for all day sessions, in a location to be determined.**

(e) The Public Record

**Vice Mayor Chavez recommended that the Housing Trust of Santa Clara County's request to be placed on a City Council Agenda be approved and suggested that the matter be placed on the same agenda as the Redevelopment Agency Budget in August 2005. Council Member Chirco recommended that Staff contact the Santa Clara County Tobacco Coalition regarding their request to be placed on a City Council Agenda and to encourage the Coalition to make their presentation to the Healthy Neighborhood Venture Fund Advisory Committee. In response from a letter from Ms. Amanda Greiten, dated May 31, 2005, Gil Candelaria, Department of Transportation, explained 72-Hour Vehicle Abatement procedures. Staff was asked to respond to Ms. Greiten. The Committee noted and filed the remaining items on the Public Records.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – May 25, 2005 (Cont'd.)

**Vice Mayor Chavez, Chair**

(f) Appointments to Boards, Commissions and Committees

**There were none.**

(g) Rules Committee Reviews, Recommendations and Approvals

(1) Monthly Report on Outstanding Public Records Act Requests for April 2005

**The Committee filed the report.**

(2) Audit of Regional Parks Staffing and Maintenance Levels

**The Committee recommended the elimination of an audit of the Regional Parks Staffing and Maintenance Levels from the City Auditor.**

(3) Accept Surplus Campaign Funds and Approve a Donation to the San José Youth Symphony

**The Committee recommended acceptance of surplus campaign funds in the amount of \$2,005 and recommended approval of a donation of \$2,005 to the San José Youth Symphony. Staff was directed to take the appropriate actions.**

(h) Oral Communications

(1) **William Garbett expressed concern about the availability of documents relating to the May 24, 2005 Financing Authority Meeting.**

(2) **Dawn Wright, District 4, requested clarification as to when Council Member Reed's "Plugging Loopholes in Campaign Contributions Limits" item would be placed on the Rules Committee Agenda. It was noted that this item would be considered on June 1, 2005.**

(i) Adjournment

**The meeting was adjourned at 2:29 p.m.**

**The Report of the Rules Committee and the Actions of May 25, 2005, were accepted.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.3 Report of the Making Government Work Better Committee – May 19, 2005 Council Member Reed, Chair**

- (a) City Fleet – Special Purpose Vehicles, SUV's, Passenger Vans  
**The Committee accepted the Staff report.**
- (b) Public Art Project Allocation Process  
**The Committee accepted the Staff report with the following recommendations:**
  - (1) **Staff to return to the Committee with a proposal that includes the ideas discussed for recommendation #3.**
  - (2) **The Service Delivery Model (including public outreach and participation) should be reviewed now that the audit is complete.**
  - (3) **The audit recommendations to be forwarded to the Redevelopment Agency Rules Committee for consideration and response.**
- (c) Northside Community Center  
**Deferred until June 2005.**
- (d) Public Works Transportation Contract Cycles  
**Deferred until June 2005.**
- (e) Environmental Services Department Laboratory  
**Deferred until June 2005.**
- (f) Quarterly Debt Report  
**The Committee accepted the Staff report.**
- (g) Quarterly Investment Report  
**The Committee accepted the Staff report.**
- (h) Customer Service Standard Update  
**Deferred until June 2005.**
- (i) Major IT Project Update  
**Deferred until June 2005.**
- (j) Oral Petitions  
**There were none.**
- (k) Adjournment  
**The meeting was adjourned at 3:55 p.m.**

**The Report of the Making Government Work Better Committee and the Actions of May 19, 2005, were accepted.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.4 Approval of actions related to the issuance of General Obligation Bonds.

**Recommendation:** Adoption of a resolution of the City Council:

- (a) Authorizing the issuance of City of San José General Obligation Bonds, Series 2005 (Libraries and Public Safety Projects) (the "Series 2005 Bonds") in the not-to-exceed aggregate principal amount of \$55,000,000 to be sold at a competitive sale.
- (b) Approving, in substantially final form, the Fiscal Agent Agreement, the Preliminary Official Statement, Official Notice Inviting Bids, and ratifying the publication of the Notice of Intention to Sell, and authorizing the City Manager or other authorized officers to execute these documents and other related documents as necessary in connection with the issuance of the Series 2005 Bonds.

CEQA: Not a Project. (Finance)

(Deferred from 5/24/05 – Item 3.4)

**Resolution No. 72705 adopted.**

#### 3.5 Council discussion and direction to staff regarding the installation of cameras in committee rooms and a video streaming system in the New City Hall.

**Recommendation:** Council discussion and direction to staff regarding the installation of cameras for the Committee Rooms and a system for video streaming, archiving, and audio recording of meetings in the New City Hall. CEQA: Not a Project. (City Manager's Office/Office of the City Clerk)

**Report Accepted, with Staff directed to move forward with the cameras and video streaming immediately.**

#### 3.6 Renewal of the City Auditor's Contract.

**Recommendation:** Approval of the renewal of the City Auditor's contract for a 4-year term beginning July 1, 2005. (Mayor)

(Rules Committee referral 6/1/05)

**Approved.**

#### 3.7 Approval of advancing the July 2005 Operation & Maintenance payment to the Mexican Heritage Corporation in June 2005.

**Recommendation:** Approval of the advance of the July 2005 Operation & Maintenance payment to the Mexican Heritage Corporation in June 2005, and \$20,000 of the advancement to be directly reimbursed to the Mayor's Office Account. (Mayor/Campos) (Rules Committee referral 6/1/05)

**Approved, with Staff requested to return on 6/14/05 with the necessary appropriate actions.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.1 Report of the Building Strong Neighborhoods Committee – May 16, 2005**

**Council Member Chirco, Chair**

- (a) Citywide Street Sweeping Update  
**The Committee accepted the Staff report.**
- (b) Vehicle Abatement Update  
**The Committee accepted the Staff report.**
- (c) Strong Neighborhoods Initiative (SNI) Update and Discussion  
**The Committee accepted the Staff report.**
- (d) Anti-Graffiti and Litter Program Status Report  
**The Committee accepted the Staff report.**
- (e) Oral Petitions  
**There were none.**
- (f) Adjournment  
**The meeting was adjourned at 2:32 p.m.**

**The Report of the Building Strong Neighborhoods Committee and the Actions of May 16, 2005, were accepted.**

### **4.2 Report of the Driving a Strong Economy Committee – May 23, 2005**

**Council Member Williams, Chair**

- (a) Fair Housing and Predatory Lending Education Update  
**The Committee accepted the Staff report.**
- (b) Economic Impact of the New City Hall  
**The Committee accepted the Staff report.**
- (c) Update on Access San José and Team San José  
**The Committee accepted the Staff report.**
- (d) Update on the City's Economic Development Indicators  
**Dropped.**
- (e) Oral Petitions  
**There were none.**
- (f) Adjournment  
**The meeting was adjourned at 3:23 p.m.**

**The Report of the Driving a Strong Economy Committee and the Actions of May 23, 2005, were accepted.**



## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.3 Review and discussion of regulations pertaining to Off-Sale of Alcoholic Beverages.**

**Recommendation:** Review and discussion of regulations pertaining to Off-Sale of Alcohol Beverages. (Campos)

(Deferred from 5/24/05 – Item 4.3)

**Deferred to 6/14/05.**

### **4.4 Public Hearing and adoption of a resolution vacating a portion of Serenity Way at Casual Way.**

**Recommendation:** Public Hearing and adoption of a resolution vacating a portion of Serenity Way at Casual Way. CEQA: Exempt. Council District 10. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). (Public Works)

(Continued from 5/24/05 – Item 4.4)

**Resolution No. 72706 adopted.**

### **4.5 Public Hearing and adoption of a resolution vacating a portion of Piercy Road.**

**Recommendation:** Conduct a public hearing and adopt a resolution vacating a portion of Piercy Road immediately south of Silver Creek Valley Road, to include reservation of an easement for pedestrian/bike trail purposes in addition to reserving easements for emergency access, storm drain, roadway, aerial, and rip-rap as previously described in Resolution No. 72673, which was approved by Council on May 17, 2005. CEQA: EIR, Resolution No. 70021. Council District 2. (Public Works)

**Resolution No. 72707 adopted.**

### **4.6 Public Hearing and various actions related to the formation of Community Facilities District No. 11.**

**Recommendation:** Public Hearing, special election, and take the following actions related to the formation of Community Facilities District No. 11 (Adeline - Mary Helen).

(a) Adoption of a resolution for each of the following items to:

- (1) Establish Community Facilities District No. 11 and authorize the levy of a special tax.

**Resolution No. 72708 adopted.**

- (2) Declare the results of the special election; and if approved, direct the recording of the notice of the special tax lien for Community Facilities District No. 11.

**Resolution No. 72709 adopted.**

(b) Approval of an ordinance imposing the levy of special taxes for Community Facilities District No. 11.

CEQA: Exempt, File No. PP05-021. Council District 7. (Public Works)

**Ordinance No. 27453 passed for publication.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.7 Adoption of a resolution of intention to levy increased annual assessments for 2005-2006.**

**Recommendation:** Preliminary approval of the report as filed by the Willow Glen Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy increased annual assessments for 2005-2006 at the June 28, 2005 at 1:30 p.m. public hearing. CEQA: Exempt, PP03-05-165. Council District 6. (Economic Development)

**Resolution No. 72710 adopted.**

### **4.8 Approval of actions related to preparation of the Coyote Valley Specific Plan.**

**Recommendation:**

(a) Approval of the following actions to continue funding for the preparation of the Coyote Valley Specific Plan, and its related environmental documents and regulatory permits:

- (1) Approval of an amended and restated funding agreement with Coyote Housing Group, LLC for the work associated with the preparation of the Coyote Valley Specific Plan, related environmental documents, and regulatory permits, for a term through June 30, 2006; and increase the amount of funding to cover staff and consultant cost through March 31, 2006 by approximately \$1,970,000, from the previously approved amount of approximately \$10,900,000 to \$12,800,000; and include delegation of authority to the Director of Planning, Building and Code Enforcement to approve minor amendments to the funding agreement to account for increases in funding that may be received from Coyote Housing Group, LLC, and to extend the term of this agreement for up to 18 months.

**Approved.**

- (2) Adoption of the following appropriation ordinance and funding sources resolution amendments in the General Fund as follows:

- (a) Increase the City-Wide appropriation for the Coyote Valley Specific Plan by \$5,637,968; and
- (b) Increase earned revenue from Other Revenue by \$5,637,968.

**Ordinance No. 27454 adopted.**

**Resolution No. 72711 adopted.**

*Item continued on the next page*

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.8 Approval of actions related to the Coyote Specific Plan (Cont'd.)**

- (b) (1) Adoption of a resolution authorizing the City Manager to negotiate and execute the following 14 Coyote Valley Specific Plan Consultant Agreements:
  - (a) Dahlin Group land planning and urban design firm to complete the preparation of the Coyote Valley Specific Plan and Design Guidelines for an amount not to exceed \$470,630.
  - (b) KenKay Associates land planning and landscape architecture firm to complete the preparation of the Coyote Valley Specific Plan and Design Guidelines for an amount not to exceed \$433,420.
  - (c) Crawford Multari & Clark Associates to prepare a form-based zoning code for the Coyote Valley Specific Plan for an amount not to exceed \$97,860.
  - (d) Economic and Planning Systems (EPS) to prepare economic analysis, including market studies, financial feasibility and fiscal analyses, for the Coyote Valley Specific Plan for an amount not to exceed \$300,000.
  - (e) Apex Strategies to provide outreach and facilitation services during the preparation of the Coyote Valley Specific Plan and its environmental documents and regulatory permits for an amount not to exceed \$268,500.
  - (f) Wetland Research Associates (WRA) to provide services for the evaluation of biological issues related to the Coyote Valley Specific Plan (CVSP) for an amount not to exceed \$139,400.
  - (g) Schaaf and Wheeler to provide services for the evaluation of hydrologic issues related to the Coyote Valley Specific Plan (CVSP) for an amount not to exceed \$140,000.
  - (h) Hexagon Transportation to provide transportation engineering support for the Coyote Valley Specific Plan (CVSP) for an amount not to exceed \$224,415.
  - (i) HMM Engineers to provide civil and infrastructure engineering support for Coyote Valley Specific Plan (CVSP) for an amount not to exceed \$575,600.
  - (j) Engeo Engineers to provide geotechnical and geologic services and support for the Coyote Valley Specific Plan (CVSP) for an amount not to exceed \$37,500.
  - (k) Basin Research Associates to provide archeological and cultural resources services for the Coyote Valley Specific Plan (CVSP) for an amount not to exceed \$7,000.
  - (l) Lowney Associates to provide services for the evaluation of hazardous materials for the Coyote Valley Specific Plan (CVSP) for an amount not to exceed \$18,000.

*Item continued on the next page*

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.8 Approval of actions related to the Coyote Specific Plan (Cont'd.)**

- (b) (1) Adoption of a resolution authorizing the City Manager to negotiate and execute the following 14 Coyote Valley Specific Plan Consultant Agreements (Cont'd.)
  - (m) David J. Powers and Associates, and a team of technical sub-consultants, to prepare the Environmental Impact Report and required technical documents for the Coyote Valley Specific Plan (CVSP) for an amount not to exceed \$1,828,570.
  - (n) Morrison and Foerster to provide legal support for the regulatory permits required for the Coyote Valley Specific Plan (CVSP) for an amount not to exceed \$180,000.

CEQA: Exempt, PP03-06-211. Council District 2. (Planning, Building and Code Enforcement/City Manager's Office)

[Deferred from 5/24/05 – Item 4.5(a)]

**Resolution No. 72712 adopted.**

### **4.9 Approval of actions related to the Habitat Conservation Plan/Natural Community Conservation Plan.**

#### **Recommendation:**

- (a) Acceptance of the draft Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) work program.
- (b) Acceptance of the Santa Clara Valley Habitat Conservation Plan budget and cost share principles, identified source of funds and approval of allocation of funds for FY 05-06.

**Accepted.**

- (c) Approval of the Coyote Housing Group (CHG) Grant Donation Agreement.

**Approved.**

- (d) Adoption of the following appropriation ordinance and funding source resolution amendments in the General Fund as follows:

- (1) Increase the Citywide appropriation for the Coyote Valley Specific Plan by \$400,000 for the City's participation in the Santa Clara Valley HCP/NCCP.
- (2) Increase earned revenue from Other Revenue by \$400,000.

CEQA: Not a Project. (Planning, Building and Code Enforcement/City Manager's Office)  
[Deferred from 5/24/05 – Item 4.5(b)]

**Ordinance No. 27455 adopted.**

**Resolution No. 72713 adopted.**

## **5 RECREATION & CULTURAL SERVICES**

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- 5.1 Report of the All Children Achieve Committee**  
**Council Member Yeager, Chair**  
**No Report.**

- 5.2 Public Hearing on the Parkland Dedication Ordinance and Park Impact Ordinance.**

**Recommendation:**

- (a) Approval of an ordinance to amend the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO), Chapters 19.38 and 14.25, respectively, of the San José Municipal Code to incorporate additions to the types of parkland and improvements acceptable for dedication and to add and/or clarify certain definitions and sections of the Ordinances as outlined in Attachment A of the memo to Council dated April 19, 2005
- (b) Adoption of a resolution to amend the fee schedule for PDO/PIO to:
  - (1) Incorporate the 2000 Census data and the findings of the 2004 Land Value Study conducted by Diaz, Diaz and Boyd.
  - (2) Include Single Room Residential Occupancy Unit (SRO) as an approved dwelling unit type and establish the average number of persons for SRO occupancy as 1 for purposes of calculating PDO/PIO requirements
  - (3) Set in-lieu fees at 85% of 2004 land values effective January 1, 2006.
  - (4) Establish the first day of January of the year following the adoption of future adjustments as the effective date for implementation in order to afford the development community adequate notice.
  - (5) Provide private recreational credits for active elements as recommended.
  - (6) Provide recreational credits for public improvements as recommended.

CEQA: Not a Project. SNI: Washington. (Parks, Recreation and Neighborhood Services)  
(Deferred from 5/17/05 – Item 5.3)

**To be heard in the evening.**

**Continued to 6/21/05.**

## **6 TRANSPORTATION SERVICES**

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- 6.1 Report of the Building Better Transportation Committee**  
**Council Member Campos, Chair**  
**No Report.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 Approval of the Water Supply Assessment for North San José Development Policies Update.**

**Recommendation:** Approval of the Water Supply Assessment for North San José Development Policies Update. (Environmental Services/Planning, Building and Code Enforcement)

(Rules Committee referral 6/1/05)

**Approved.**

## **8 AVIATION SERVICES**

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## **9 PUBLIC SAFETY SERVICES**

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## **10 JOINT COUNCIL/REDEVELOPMENT AGENCY**

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**The Redevelopment Agency Board convened at 2:13 p.m. to consider Item 10.1 in a Joint Session.**

### **10.1 Acceptance of the quarterly CIP and SNI status reports.**

**Recommendation:** Acceptance of the quarterly report on the Citywide Capital Improvement program (CIP), including parks, Library, and Public Safety Bond Projects, and Strong Neighborhoods Initiative (SNI) Projects. CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)

**Report Accepted.**

**The Redevelopment Agency Board portion of the Meeting was adjourned at 2:28 p.m.**

- **Closed Session Report**  
**No Report.**

- **Notice of City Engineer's Pending Decision on Final Maps**

**In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:**

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
<b>9579</b>	<b>W/S of N. First Street at Gish Road</b>	<b>3</b>	<b>Bellagio Gardens</b>	<b>1 Lot/26 Units</b>	<b>Multi- family</b>
<b>9707</b>	<b>W/S of Coleman Avenue at Taylor Street</b>	<b>7</b>	<b>Cousins Properties, Inc.</b>	<b>23 Lots</b>	<b>Commercial</b>

- **Open Forum**

- (1) **Daniel McCall expressed his displeasure about recent State actions regarding the use of medical marijuana.**
- (2) **William Garbett asserted that the City violated the Brown and Mello-Roos Acts because certain documents relative to Item 4.6 were not available to the public (Note: Documents available on file in the Office of the City Clerk).**

- **Adjournment**

**The Council of the City of San José adjourned the afternoon session at 2:33 p.m.**

## 11 PUBLIC HEARINGS

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(Heard by the City Council at 7:04 p.m.)

### 11.1 Public Hearing on Conventional Rezoning from R-2 Two-Family Residence Zoning District to R-M Multiple Residence Zoning District.

**Recommendation:** Public Hearing and consideration of an ordinance on Conventional Rezoning from R-2 Two-Family Residence Zoning District to R-M Multiple Zoning District to allow residential uses on a 0.20 gross acre site, located at the northeast corner of Younger Avenue and North 6<sup>th</sup> Street (257 E. Younger Ave.) (Roy Family Partnership, Owner). Director of Planning, Building and Code Enforcement recommend denial and Planning Commission forwards no recommendation (3-3-1). CEQA: Resolution No. 65459.

C04-102 – District 3

(Continued from 5/3/05 – Item 11.2 and 5/17/05 – Item 11.1)

**Continued to 6/21/05.**

### 11.2 Public Hearing on an ordinance amending Chapter 20.30, Chapter 20.100 and Chapter 20.200 of Title 20 of the San José Municipal Code.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance amending Chapter 20.30, Chapter 20.100 and Chapter 20.200 of Title 20 of the San José Municipal Code to allow increased height limits for amateur radio antennas. CEQA: Exempt, PP05-084.

Citywide

**Dropped.**

### 11.3 Public Hearing on an ordinance amending Chapter 20.20, Chapter 20.30, Chapter 20.40, Chapter 20.50, Chapter 20.80, Chapter 20.100, and Chapter 20.200 of Title 20 of the San José Municipal Code.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance amending Chapter 20.20, Chapter 20.30, Chapter 20.40, Chapter 20.50, Chapter 20.80, Chapter 20.100, and Chapter 20.200 of Title 20 of the San José Municipal Code to streamline the review process for wireless communications antennas. CEQA: Exempt, PP05-085. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1-0).

Citywide

**Ordinance No. 27468 passed for publication.**



# 11 PUBLIC HEARINGS

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## 11.4 Public Hearing on an ordinance relating to sidewalk café permits.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance to establish a 12-month pilot program to allow sidewalk café permits to be issued to businesses that serve alcohol and have an entertainment permit. CEQA: Exempt, PP05-099. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1-0).

Citywide

**Ordinance No. 27456 passed for publication, and was amended as follows:**

- (1) Amend the proposed ordinance to allow operation of a sidewalk café of the associated establishment to be limited to the business applicant hours of operation or until midnight, whichever is earlier.**
- (2) Conduct a review of this policy by Planning, Building and Code Enforcement Department, the Police Department and the Redevelopment Agency in five months to evaluate success and challenges associated with implementation and return to the City Council with this analysis and any proposed changes based on the review.**
- (3) Direct the Manager and the Redevelopment Agency Executive Director to complete outreach to downtown businesses to educate them on this new opportunity.**
- (4) Additionally, the Planning and Police Staff were further directed to return to Council immediately should any problems occur during the five month review period.**

## 11.5 Public Hearing on an ordinance amending Chapter 20.40 of Title 20 of the San José Municipal Code.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance amending Chapter 20.40 of Title 20 of the San José Municipal Code to streamline development standards in commercial districts and to remove the CP Commercial Pedestrian District use size restriction for the West San Carlos Street Neighborhoods Business District. CEQA: Exempt, PP05-100. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1-0).

Citywide

**Ordinance No. 27457 passed for publication.**

## 11 PUBLIC HEARINGS

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### 11.6 Public Hearing on an ordinance amending Section 23.04.120 of Chapter 23.04 of Title 23 of the San José Municipal Code.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance amending Section 23.04.610 of Chapter 23.04 of Title 23 of the San José Municipal Code to exempt from signage regulations signage at temporary outdoor events in the Downtown Core with an event permit. CEQA: Exempt, PP05-108. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

Citywide

**Ordinance No. 27458 passed for publication.**

### 11.7 Public Hearing on Conforming Rezoning from CN Commercial Neighborhood Zoning District to CG(PD) Planned Development Zoning District to allow the expansion of an existing vehicle inventory storage lot for the adjacent automobile dealership on a 1.57 gross acre site.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on Conforming Rezoning from CN Commercial Neighborhood Zoning District to CG(PD) Planned Development Zoning District to allow the expansion of an existing vehicle inventory storage lot for the adjacent automobile dealership and the continuation of an existing drive through fast food restaurant (Taco Bell) on a 1.57 gross acre site, located at the southeast corner of Stevens Creek Boulevard and Boynton Avenue (3680 Stevens Creek Boulevard) (Eric Hoffman Family Limited Partnership, Owner; GM Worldwide Real Estate, Moya Kelly, Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommend approval.

PDC04-101 - District 1

**Ordinance No. 27459 passed for publication, including the Landscape Architect's rendering of the project site, with Staff directed to confirm with the City Arborist the setback of the fence and wall, and that the trees RT5 and RT19 will be saved.**

### 11.8 Public Hearing on Planned Development Rezoning from IP District to IP(PD) District to allow indoor recreational uses in an existing 246,302 square-foot industrial building on a 16.4 gross-acre site.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from IP District to IP(PD) District to allow indoor recreational uses in an existing 246,302 square-foot industrial building on a 16.4 gross-acre site, located at/on the southwest corner of Hellyer Avenue and Embedded Way (Branham Way East) (800 Embedded Way) (Carl E. Berg, Owner and Developer). SNI: None. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-1-1-0).

PDC05-004 - District 2

**Heard after 12.1(a)(1)**

**Continued to 6/21/05.**

## 11 PUBLIC HEARINGS

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### 11.9 Public Hearing on Rezoning from CG Commercial General Zoning District to DC Downtown Primary Commercial Zoning District to allow residential uses on a 0.09 gross acre site.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on Rezoning from CG Commercial General Zoning District to DC Downtown Primary Commercial Zoning District to allow residential uses on a 0.09 gross acre site located at the northwest corner of North 2nd Street and Devine Street (257 North 2<sup>nd</sup> Street) (Walter Harding, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

C04-067 - District 3

**Ordinance No. 27460 passed for publication, with Staff directed to address the following issues during the Site Development Phase:**

- (1) **Incorporation of high level architectural detailing consistent with the adjacent Germania Club, as currently proposed within the Site Development Permit application.**
- (2) **Limiting development to two, two-story homes that are pulled away from 2<sup>nd</sup> Street and do not intrude within the joint easement shared with the Germania Club, as currently proposed within the Site Development Permit application.**
- (3) **Incorporation of extensive sound attenuation as proposed by the applicant, including removing openings along the northern frontage and other design features.**
- (4) **Location of ventilation intakes away from the northern property line in order to prevent pulling odors from the Germania Club kitchens into the project.**
- (5) **Incorporation of fire escape gates through the driveway to allow easy evacuation from the Germania Club above and beyond what is required by Code, as proposed by the applicant.**

### 11.10 Public Hearing on Conforming Rezoning from CP Commercial Pedestrian Zoning District to R-2 Two Family Residence Zoning for residential uses on a 0.12 gross acre site.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on Conforming Rezoning from CP Commercial Pedestrian Zoning District to R-2 Two Family Residence Zoning for residential uses on a 0.12 gross acre site, located at/on the south side of Willow Street, approximately 100 feet easterly of Palm Street (312 Willow Street) (City of San José, Owner). SNI: Washington. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommend approval.

C05-033 - District 3

**Ordinance No. 27461 passed for publication.**

## 11 PUBLIC HEARINGS

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### 11.11 Public Hearing on Planned Development Rezoning from LI Light Industrial zoning district to A(PD) Planned Development Zoning District to allow up to 119 single-family attached residential units on a 3.1 gross acre site.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from LI Light Industrial zoning district to A(PD) Planned Development Zoning District to allow up to 119 single-family attached residential units (18 townhomes and 101 podium apartments) on a 3.1 gross acre site, located at/on the Southeast corner of East Mission Street and North 10<sup>th</sup> Street (Westmount Square LLC, Owner). SNI: 13th Street. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1-0).

PDC04-063 - District 3

**Continued to 6/21/05.**

### 11.12 Public Hearing on Conforming Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow 147 single-family attached residences on a 3.9 gross acre site.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on Conforming Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow 147 single-family attached residences on a 3.9 gross acre site, located at the southeast corner of East Virginia Street and South 5<sup>th</sup> Street (250 East Virginia Street) (250 E. Virginia LLC, Owner). SNI: Spartan/Keyes. CEQA: Mitigated Negative Declaration.

PDC05-029 - District 3

**Continued to 6/21/05.**

## 11 PUBLIC HEARINGS

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### 11.13 Public Hearing on Conforming Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow four additional multi-family attached residences to the previously approved 39 multi-family attached residences for a total of 43 units on a 0.61 gross acre site.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on Conforming Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow four additional multi-family attached residences to the previously approved 39 multi-family attached residences for a total of 43 units on a 0.61 gross acre site, located at the northeast corner of East Julian Street and North First Street (320 N. 1<sup>st</sup> Street) (City of San José, Owner). SNI: 13<sup>th</sup> Street. CEQA: Resolution No. 64273. Director of Planning, Building and Code Enforcement recommend approval.

PDC05-032 - District 3

**Ordinance No. 27462 passed for publication, with the requirement of the minimum of 64 parking spaces within the project; and:**  
**Direction to Staff for implementation during the Planned Development (PD) Permit Phase:**

- (1) Continue to work with the neighboring property owners on landscape and design refinements through the PD Permit Phase.
- (2) Explore during the PD Permit Phase:
  - (a) Alternate locations for garbage storage, to minimize potential odor impacts to neighbors;
  - (b) Potential solutions to limit noise from AC units along eastern portion of site, including moving the units or utilizing smaller, more quiet units;
  - (c) Additional parking above and beyond the 64 required by zoning.
- (3) Incorporate conditional use provisions related to garbage pick up with the PD Permit.

**Disqualified: Gonzales.**

### 11.14 Public Hearing on Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 91 single-family attached residences on a 4 gross acre site.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 91 single-family attached residences on a 4 gross acre site, located on the northwest corner of King and Mabury Roads (1685 Mabury Road) (Cherry Acres, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommend approval. Planning Commission recommend denial (5-1-0-1).

PDC04-093 - District 4

**Ordinance No. 27463 passed for publication.**

## 11 PUBLIC HEARINGS

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### 11.15 Public Hearing on Planned Development Rezoning from R-1-8 Residence Zoning to A(PD) Planned Development Zoning District to allow up to seven single-family detached residences on a 0.95 gross acre site.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from R-1-8 Residence Zoning to A(PD) Planned Development Zoning District to allow up to seven single-family detached residences on a 0.95 gross acre site, located on the west side of Delmas Avenue at the terminus of Dorothy Avenue (1235 Delmas Avenue) (Lo Bue Victor J Trustee & et al., Owner: Stonebridge Development Brandon August, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0), with staff's recommended draft Development Standard modified to allow a minimum 20-foot front setback for an attached garage on the southern-most home and a minimum 5-foot setback from any building to the adjacent future trail corridor.

PDC04-092 - District 6

**Ordinance No. 27464 passed for publication, including the following direction:**

- (1) **During the Planned Development (PD) Permit process, Staff was directed to work with the developer to decide if three parking spots on the private street can be added, as well as the installation of antique streetlights.**
- (2) **Install a gate at the rear of the project near the cul-de-sac so that the property owners can enter the trail from this development.**
- (3) **Include the language in the Homeowner's Association Regulations so that Police Officers can enter the private street to help patrol the trail.**
- (4) **Ask the applicant to work with the Neighborhood Association so that the community has the opportunity to make sure that the existing three homes can be moved or salvaged.**
- (5) **Work with the City's Department of Transportation to install a three-way stop sign at the intersection of Dorothy and Delmas Avenues.**
- (6) **Ask the applicant to work with the Neighborhood Association on the project's architecture during the PD Permit process.**

## 11 PUBLIC HEARINGS

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- 11.16 Public Hearing on Director-Initiated Conforming Rezoning from R-2 Two-Family Residence, R-M Multiple Residence, CO Commercial Office, CN Commercial Neighborhood, CG Commercial General, and LI Light Industrial Zoning Districts to CP Commercial Pedestrian Zoning District on an approximately 30 gross acre site.**

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on a Director-Initiated Conforming Rezoning from R-2 Two-Family Residence, R-M Multiple Residence, CO Commercial Office, CN Commercial Neighborhood, CG Commercial General, and LI Light Industrial Zoning Districts to CP Commercial Pedestrian Zoning District on an approximately 30 gross acre site, located on both sides of West San Carlos Street & Stevens Creek Boulevard, extending from Highway 17/Interstate 880 to Grand Avenue. SNI: Burbank/Del Monte. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommend approval.

CC01-072 thru CC01-078 - District 6

**Continued to 6/21/05.**

- 11.17 Public Hearing on Conventional Rezoning from IP Industrial Park Zoning District to CN Neighborhood Commercial Zoning District to allow commercial uses on a 0.88 gross acre site.**

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on Conventional Rezoning from IP Industrial Park Zoning District to CN Neighborhood Commercial Zoning District to allow commercial uses on a 0.88 gross acre site, located at/on the northwest corner of Story Road and McLaughlin Avenue (1145 Story Road) (Story-McLaughlin Plaza LLC, Kim Hue Nguyen, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1-0).

C05-007 - District 7

**To be heard after 12.3(a).**

**Continued to 6/21/05.**

## 11 PUBLIC HEARINGS

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### 11.18 Public Hearing on Planned Development rezoning from A(PD) Planned Development to A(PD) Planned Development to allow night club uses at an existing assembly hall on a 3.4 gross acre site.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on Planned Development rezoning from A(PD) Planned Development to A(PD) Planned Development to allow night club uses at an existing assembly hall (G.I. Forum) on a 3.4 gross acre site, located 900 feet northerly of Story Road and approximately 2,300 feet westerly of McLaughlin Avenue (765 Story Road) (The American G.I. Forum, Owner). CEQA: Incomplete. Director of Planning, Building and Code Enforcement and Planning Commission recommend denial (5-1-1-0).

PDC00-030 – District 7

**Ordinance was not approved.**

**Staff was directed to return in 120 days with the completed application or a denial of the application.**

**Noes: Chirco, LeZotte; Gonzales.**

### 11.19 Public Hearing on Conforming Rezoning from R-1-5 (PD) Zoning District to CO Commercial Office Zoning District to allow office uses on a 0.66 gross acre site.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on Conforming Rezoning from R-1-5 (PD) Zoning District to CO Commercial Office Zoning District to allow office uses on a 0.66 gross acre site, located on the east side of South White Road, approximately 300 feet south of Westgrove Lane (3160 South White Road) (Bracamontes Rigoberto Trustee, John D'Amico Jr., Trustee & et al, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1-0).

C05-010 - District 8

**To be heard after 12.1(c)(1).**

**Continued to 6/21/05.**



## 11 PUBLIC HEARINGS

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**11.20 Public Hearing on Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District on 5.74 acres and A Agriculture District on 3.18 acres to allow continued use of a single-family residence.**

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from A(PD) Planned Development Zoning District to (1) A(PD) Planned Development Zoning District on 5.74 acres to allow up to 25 single-family detached residences and (2) A Agriculture District on 3.18 acres to allow continued use of a single-family residence, located at the northwest corner of McAbee Road and Skyfarm Drive (17571 McAbee Road) (Anthony G. Pierce Sr., Owner; Summerhill Homes, Elaine Breeze, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0-1).

PDC05-003 - District 10

**Ordinance No. 27465 passed for publication.**

**11.21 Public Hearing on Conforming Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 32 multi-family attached residences on a 1.42 gross acre site.**

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on Conforming Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 32 multi-family attached residences on a 1.42 gross acre site, located at the northeast corner of Almaden Expressway and Coleman Road (15520 Almaden Road) (City of San José, Owner). CEQA: Negative Declaration and Addendum therein. Director of Planning, Building and Code Enforcement recommend approval.

PDC04-064 - District 10

**Continued to 6/21/05.**

## 12 GENERAL PLAN PUBLIC HEARINGS

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(Heard by the City Council at 7:04 p.m.)

### 12.1 Tentative approval of General Plan Consent Calendar items.

#### **Recommendation:**

- (a) Public Hearing on the following items located on the southwest corner of Hellyer Avenue and Embedded Way, formerly, Branham Lane East (800 Embedded Way) on an approximately 16.4-acre site. (Carl Berg, Owner and Applicant).
  - (1) PUBLIC HEARING ON TENTATIVE APPROVAL OF GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park to Industrial Park with Mixed Industrial Overlay. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of a General Plan Amendment Industrial Park with the Mixed Industrial Overlay on a 16.4-acre site.  
(5-1-1; Campos opposed, Pham absent).  
GP04-02-03 - District 2
  - (2) PUBLIC HEARING ON TENTATIVE APPROVAL OF PLANNED DEVELOPMENT REZONING request to allow indoor recreational uses in an existing 246,302 square-foot industrial building and the addition of approximately 9,000 square feet to the second floor and parking. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of reusing an existing industrial building and the addition of approximately 9,000 square feet to the second floor and parking on a 16.4-acre site.  
(5-1-1; Campos opposed, Pham absent).  
PDC05-004 - District 2
- (b) PUBLIC HEARING ON TENTATIVE APPROVAL OF GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Light Industrial Combined Industrial/Commercial for property located on the east side of Senter Road, approximately 200 feet northwesterly of Quinn Avenue on a 3.86-acre site. (Victor J. LoBue, The LoBue Living Trust, Owner/Aaron Barger, Green Valley Corporation dba Barry Swensen Builder, Applicant). CEQA: Mitigated Negative Declaration adopted on May 11, 2005. (Autumnvale Associates, Inc., Owner/CW Land Consultants, Applicant). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of a General Plan Amendment to change the Land Use/Transportation Diagram designation from Light Industrial to Combined Industrial/Commercial. (6-0-1, Pham absent).  
GP04-07-03 - District 7

**Continued to 6/21/05.**

## 12 GENERAL PLAN PUBLIC HEARINGS

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### 12.1 Tentative approval of General Plan Consent Calendar items. (Cont'd.)

**Recommendation:**

(c) Public Hearing on the following items located at the east side of South White Road (3160 South White Road), approximately 920 feet northerly of Aborn Road on a 0.66-acre site. (Bracamantes 2001 Trust, Owner/ Rigo Bracamantes, Applicant).

(1) PUBLIC HEARING ON TENTATIVE APPROVAL OF GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Office. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of a General Plan Amendment to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Office. (6-0-1, Pham absent).

GP04-08-01 - District 8

(2) PUBLIC HEARING ON CONFORMING REZONING request to change from R-1-5 (PD) Zoning District to CO - Commercial Office Zoning District to allow office uses. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of a Conforming Rezoning to change from R-1-5 (PD) Zoning District to CO-Commercial Office Zoning District to allow office uses. (5-1-1; Campos opposed, Pham absent).

C05-010 - District 8

**Continued to 6/21/05.**

### 12.2 Public Hearing on tentative approval of General Plan amendment for property located on the southwest corner of North Capitol Avenue and Autumnvale Drive (1971 North Capitol Avenue and 2450 Autumnvale Drive) on a 4.01-acre site.

**Recommendation:** PUBLIC HEARING ON TENTATIVE APPROVAL OF GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to High Density Residential (25-50 DU/AC) for property located on the southwest corner of North Capitol Avenue and Autumnvale Drive on a 4.01-acre site. (Autumnvale Associates, Inc., Owner/CW Land Consultants, Applicant). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of no change to the General Plan. (5-1-1; Campos opposed, Pham absent).

GP04-04-04 - District 4

**Continued to 6/21/05.**

## 12 GENERAL PLAN PUBLIC HEARINGS

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- 12.3 Public Hearing on the following items located at the northwest corner of the intersection of Story Road and McLaughlin Avenue (1145 Story Road) on a 0.88-acre site. (Kim Nguyen, Owner/Miro Design Group, Applicant).**

**Recommendation:**

- (a) PUBLIC HEARING ON TENTATIVE APPROVAL OF GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to General Commercial. CEQA: Mitigated Negative Declaration, GP04-07-02. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of a General Plan Amendment to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to General Commercial. (6-0-1, Pham Absent).  
GP04-07-02 - District 7
- (b) PUBLIC HEARING ON TENTATIVE APPROVAL OF PLANNED DEVELOPMENT PREZONING from IP Industrial Park Zoning District to CN Commercial Neighborhood Zoning District to allow commercial/retail uses. CEQA: Mitigated Negative Declaration, C05-007. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval of a rezoning from IP Industrial Park Zoning District to CN Neighborhood Commercial Zoning District to allow commercial uses. (6-0-1, Pham Absent).  
C05-007 - District 7

**Continued to 6/21/05.**

- 12.4 Continuance of adoption of a resolution approving all General Plan amendment actions to June 21, 2005.**

**Recommendation:** Continue the adoption of a resolution approving all General Plan amendment actions to June 21, 2005. (Planning, Building and Code Enforcement)

**Continued to 6/21/05.**

- **Open Forum**

- (1) **Michael David Yanis urged the Council to keep the Alma Senior Center open.**
- (2) **Joyce McDonnel expressed concerns about parking problems at the Mid Town Plaza.**
- (3) **Gary Minnaert mentioned that traffic calming efforts should be used at the Mid Town Plaza.**
- (4) **Mike Flaughner stated the bridge on King Road is too narrow (King and Mabury Roads project) with no safe access for pedestrians or bicycles.**
- (5) **Kerri Hamilton expressed concern that the setback is too close to the existing buildings (King and Mabury Roads project).**
- (6) **Rick Carreiro expressed concerns about vagrancy issues at the Auzerais Park bathroom.**

- **Adjournment**

**The Council of the City of San José was adjourned in memory of Miguel Contreras at 8:58 p.m.**

# CITY OF SAN JOSÉ PARKING AUTHORITY AGENDA

**1:30 P.M.**

**TUESDAY, JUNE 7, 2005**

## CHAMBERS

## 1 CALL TO ORDER AND ROLL CALL

**2:29 p.m. - Regular Session, Council Chambers, City Hall**  
**Absent Council Members: None.**

## 2 APPROVAL OF MINUTES

2.1 Minutes of June 1, 2004  
**Approved.**

### 3 OLD BUSINESS

**None.**

## 4 NEW BUSINESS

None.

## 5 ADJOURNMENT

**The meeting was adjourned at 2:30 p.m.**

## **8 JOINT REDEVELOPMENT AGENCY/COUNCIL**

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**The Joint Redevelopment Agency Board convened at 2:34 p.m. to consider Items 8.1 and 8.2 in a Joint Session**

- 8.1 Approval by the Redevelopment Agency Board and the City Council of the assignment of a parking agreement from the Redevelopment Agency to the City of San Jose.**

**Recommendation:** Approval by the Redevelopment Agency Board and the City Council for the assignment of a parking agreement between the Redevelopment Agency and Hotel Sainte Claire Partners, L.P. from the Redevelopment Agency to the City of San Jose.

**[MERGED]**

**Approved.**

- 8.2 Approval of the first amendment to the Ground Lease between the City of San Jose and the Almaden Hills United Methodist Church for the Hoffman/Via Monte Neighborhood Center.**

**Recommendations:** Approval by the City Council of the first amendment to the Ground Lease between the City of San Jose and the Almaden Hills United Methodist Church for the Hoffman/Via Monte Neighborhood Center, increasing the size of the site at no additional cost. CEQA: Exempt; PP04-06-185 **[SNI: HOFFMAN/VIA MONTE]**

**Approved.**

### **ADJOURNMENT**

**The Council of the City of San José, and Redevelopment Agency Board adjourned at 2:37 p.m.**